

ALL GLORY TO GOD CHURCH

IBLA 77-483

Decided December 5, 1977

Appeal from decision of the California State Office, Bureau of Land Management, declaring the White Cloud #1 lode mining claim null and void. CA 4427.

Affirmed.

1. Mining Claims: Lands Subject to

Where land has been reconveyed to the United States and the reconveyance reserves the minerals to the grantor, the United States has no authority to recognize a claim for the minerals under the mining laws, 30 U.S.C. § 22 (1970), because the minerals are not owned by the United States. Such a claim is properly declared null and void, regardless of whether or not a claimant performed assessment work or paid taxes on the land.

APPEARANCES: S. Majeski, for appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

On behalf of the All Glory to God Church, S. Majeski has appealed from the July 7, 1977, decision of the California State Office, Bureau of Land Management, declaring the White Cloud #1 lode mining claim null and void. CA 4427. The claim is situated in the southern part of sec. 22, T. 17 N., R. 10 E., Mount Diablo Meridian. The claim was located on August 6, 1974, by Majeski who quitclaimed it to the All Glory to God Church on March 21, 1977.

[1] The subject land along with other land was included in a reconveyance of land to the United States which accepted title on July 17, 1930. However, the grantor reserved the mineral deposits for a period of 50 years. Because the mineral deposits are not owned by the United States, the United States has no authority to recognize a claim for those minerals under the mining laws. 30 U.S.C. § 22 (1970). See James W. Hansen, 1 IBLA 134 (1970). A claim filed for

such land pursuant to the mining laws is properly declared null and void, regardless of whether or not a claimant performed assessment work or paid taxes on the land. Id.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson  
Administrative Judge

We concur:

Martin Ritvo  
Administrative Judge

Newton Frishberg  
Chief Administrative Judge

